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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 ANTHONY FEJERAN,

10 Plaintiff,

11 v.

12 UNITED AIRLINES, INC., *et al.*

13 Defendants.

Case No. 2:16-cv-00026-MMD-GWF

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
GEORGE FOLEY, JR.

14 Before the Court is the Report and Recommendation of United States Magistrate
15 Judge George Foley, Jr. (ECF No. 77) ("R&R") regarding the Court's Order to Show
16 Cause (ECF No. 74) issued on September 26, 2107. Plaintiff was allowed until
17 December 22, 2017, to file an objection. To date, no objection to the R&R has been
18 filed.¹

19 This Court "may accept, reject, or modify, in whole or in part, the findings or
20 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party
21 timely objects to a magistrate judge's report and recommendation, then the court is
22 required to "make a *de novo* determination of those portions of the [report and
23 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails
24 to object, however, the court is not required to conduct "any review at all . . . of any issue
25 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
26 Indeed, the Ninth Circuit has recognized that a district court is not required to review a

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28 ¹The R&R (ECF No. 77) and all mailings since September 20, 2017, that were
mailed to Plaintiff have been returned as undeliverable. (See ECF Nos. 72, 75, 76, 78.)

1 magistrate judge's report and recommendation where no objections have been filed. See
2 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
3 of review employed by the district court when reviewing a report and recommendation to
4 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
5 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
6 view that district courts are not required to review "any issue that is not the subject of an
7 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
10 which no objection was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
12 determine whether to adopt Magistrate Judge Foley's R&R. The Magistrate Judge
13 recommends dismissing this case with prejudice for Plaintiff's failure to prosecute or to
14 comply with a court order. Plaintiff has also failed to file a notice of change of address
15 with the Court as required under LR IA 3-1. Upon reviewing the R&R and the filings in
16 this case, this Court finds good cause to adopt the Magistrate Judge's R&R in full.

17 It is therefore ordered, adjudged and decreed that the Report and
18 Recommendation of Magistrate Judge George Foley, Jr. (ECF No. 77) is accepted and
19 adopted in its entirety.

20 It is ordered that Plaintiff's complaint (ECF No. 1) is dismissed with prejudice.

21 It is further ordered that the Clerk of Court is instructed to close this case and
22 enter judgment accordingly.

23 DATED THIS 9th day of January 2018.

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26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
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